

APPEAL NO. 020910
FILED MAY 15, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on March 7, 2002. The hearing officer determined that the appellant (claimant) did not sustain a compensable injury in the form of an occupational disease; that the claimant did not have disability as a result of a compensable injury; that the noncompensable injury did include the claimant's bilateral wrists, upper extremities, shoulders, and cervical spine; that the date of injury (the date that the claimant knew or should have known that the injury may be related to her employment, pursuant to Section 408.007) is _____; and that the respondent (carrier) is relieved of liability pursuant to Section 409.002 because of the claimant's failure to timely notify the employer of a claimed work-related injury within 30 days, pursuant to Section 409.001. The claimant appeals on sufficiency of the evidence grounds. The carrier responds, urging affirmance.

DECISION

Affirmed, as modified.

The claimant points out what appears to be a typographical error in Finding of Fact No. 6. The hearing officer used the name of the carrier's attorney, PS, when he obviously intended to refer to the claimant's supervisor, Mr. S. We correct that finding to reflect the correct name.

The hearing officer did not err in reaching the complained-of determinations. All of the issues involved questions of fact for the hearing officer to resolve. The hearing officer is the sole judge of the weight and credibility of the evidence (Section 410.165(a)) and, as the trier of fact, resolves the conflicts and inconsistencies in the evidence, including the medical evidence (Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ)). In view of the conflicting evidence presented, we cannot conclude that the hearing officer's determinations are so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

We affirm the decision and order of the hearing officer, as modified.

The true corporate name of the insurance carrier is **LUMBERMENS MUTUAL CASUALTY COMPANY** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY
800 BRAZOS
AUSTIN, TEXAS 78701.**

Michael B. McShane
Appeals Judge

CONCUR:

Gary L. Kilgore
Appeals Judge

Robert W. Potts
Appeals Judge